

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES,

Plaintiff,

v.

APPROXIMATELY \$14,000.00 IN U.S.  
CURRENCY, et al.,

Defendants.

Case No. 1:24-cv-00140-SAB

ORDER VACATING DECEMBER 19, 2024  
SCHEDULING CONFERENCE AND  
REQUIRING PLAINTIFF TO FILE A  
MOTION FOR DEFAULT JUDGMENT

**THIRTY-FIVE DAY DEADLINE**

Plaintiff commenced this action on January 31, 2024. (ECF No. 1.) On July 29, 2024, the Clerk of the Court entered default against Defendants Pedro Lopez Jr., Norma Williams, and Howard Miller. (ECF No. 15.) The scheduling conference in this matter is currently set for December 19, 2024. (ECF No. 16.)

Pursuant to Federal Rules of Civil Procedure 55, obtaining a default judgment is a two-step process. Yue v. Storage Technology Corp., No. 3:07-cv-05850, 2008 WL 361142, \*2 (N.D. Cal. Feb. 11, 2008). Entry of default is appropriate as to any party against whom a judgment for affirmative relief is sought that has failed to plead or otherwise defend as provided by the Federal Rules of Civil Procedure and where that fact is made to appear by affidavit or otherwise. Fed. R. Civ. P. 55(a). After entry of default, a plaintiff can seek entry of default judgment. Fed. R. Civ. P. 55(b)(1) and (2). “Default judgments are generally disfavored, and whenever it is reasonably possible, cases should be decided upon their merits.” In re Hammer, 940 F.2d 524, (9th Cir.

1991) (cleaned up).

As the Defendants in this matter are in default, the Court shall vacate the initial scheduling conference and set a deadline for a motion for default judgment to be filed.

Accordingly, IT IS HEREBY ORDERED that:

1. Within **thirty-five (35) days** from the date of service of this order, Plaintiff shall file a motion for default judgment;
2. The scheduling conference set for December 19, 2024, is VACATED; and
3. Plaintiff is advised that the failure to comply with this order shall result in a recommendation that this action be dismissed for failure to prosecute.

IT IS SO ORDERED.

Dated: **November 13, 2024**



STANLEY A. BOONE  
United States Magistrate Judge